IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

BIONESS INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. _____
	)	
ARETECH, LLC,	)	
	)	**DEMAND FOR JURY TRIAL**
Defendant.	)	
	)	
	)	

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Bioness Inc. ("Bioness" or "Plaintiff") hereby asserts claims against Aretech, LLC ("Aretech" or "Defendant") for infringement of U.S. Patent Nos. 9,682,000 (the "'000 Patent"); 9,839,569 (the "'569 Patent"); 9,855,177 (the "'177 Patent"); 10,219,960 (the "'960 Patent"); 10,463,563 (the "'563 Patent"); 10,537,486 (the "'486 Patent"); 10,668,316 (the "'316 Patent"); 11,246,780 (the "'780 Patent"); 11,253,416 (the "'416 Patent"); and 11,324,651 (the "'651 Patent") (collectively the "Asserted Patents") and alleges as follows:

NATURE OF THE ACTION

1. This is an action for patent infringement arising under the Patent Laws of the United States, 35 U.S.C. § 1 *et seq*.

THE PARTIES

2. Bioness is a corporation organized and existing under the laws of Delaware with its principal place of business in 25103 Rye Canyon Loop, Valencia, California 91355.

3. Bioness was recently acquired by Bioventus LLC, a limited liability company organized and existing under the laws of the State of Delaware with its principal place of business

in 4721 Emperor Boulevard Suite 100, Durham, North Carolina 27703. Bioness is a wholly owned subsidiary of Bioventus.

4. On information and belief, Aretech is a limited liability company organized and existing under the laws of the Commonwealth of Virginia with its principal place of business in 21720 Red Rum Drive, Suite 187, Ashburn, VA 20147.

5. On information and belief, Aretech manufactures, uses, and/or distributes rehabilitative and mobility assistive devices, including body weight support devices used for gait therapy.

6. On information and belief, Aretech sells and offers to sell its products and services throughout the United States, including in this judicial district, and introduces products and services into the stream of commerce and that incorporate infringing technology, knowing that they would be sold in this judicial district and elsewhere in the United States.

JURISDICTION AND VENUE

7. This is an action for patent infringement arising under the Patent Laws of the United States, Title 35 of the United States Code.

8. Subject matter jurisdiction is proper in this Court under 28 U.S.C. §§ 1331 and 1338(a).

9. Venue is proper in this judicial district under 28 U.S.C. § 1400(b).

10. Aretech is subject to this Court's general and specific personal jurisdiction because its principal place of business is in this judicial district and it has purposefully availed itself of the privileges and benefits of conducting business in the Commonwealth of Virginia. Further, on information and belief, at least one member of Aretech is a citizen of the Commonwealth of Virginia.

11. On information and belief, Aretech regularly conducts and solicits business within this judicial district and the Commonwealth of Virginia, including the manufacture, use, sale, and/or distribution of the Accused Product, and Bioness's causes of action arise directly from Aretech's business contacts and other activities in this judicial district and the Commonwealth of Virginia.

BACKGROUND

BIONESS AND ARETECH

12. The late Mr. Alfred E. Mann was a prolific inventor and serial entrepreneur in the healthcare industry. Among his several ventures, Mr. Mann founded Bioness in 2004, a biomedical company dedicated to helping restore mobility and independence to individuals affected by central nervous system disorders and orthopedic injuries. These individuals suffer from a range of neurological conditions, including stroke and traumatic brain injuries.

13. Bioness develops and manufactures several physical therapy products to deliver functional and therapeutic benefits to these individuals, including functional electrical stimulation (FES) systems, robotic systems, and software-based therapy programs. Its product portfolio spans several innovative and award-winning designs and includes the Vector Gait and Safety System ("Vector")—a novel body weight support device that provides a safe environment and real-world experience for patients recovering from stroke, amputations, and orthopedic, brain, and spinal cord injuries.

14. Before developing its Vector system, Bioness entered an agreement with Aretech in 2010 to distribute Aretech's ZeroG Overground Gait and Balance Training System ("ZeroG") to rehabilitation centers and hospitals worldwide. The original ZeroG included a motorized trolley along an I-beam track, where a harness was tethered to the trolley to provide recovering patients with body weight support during therapy training sessions. The system, however, was powered

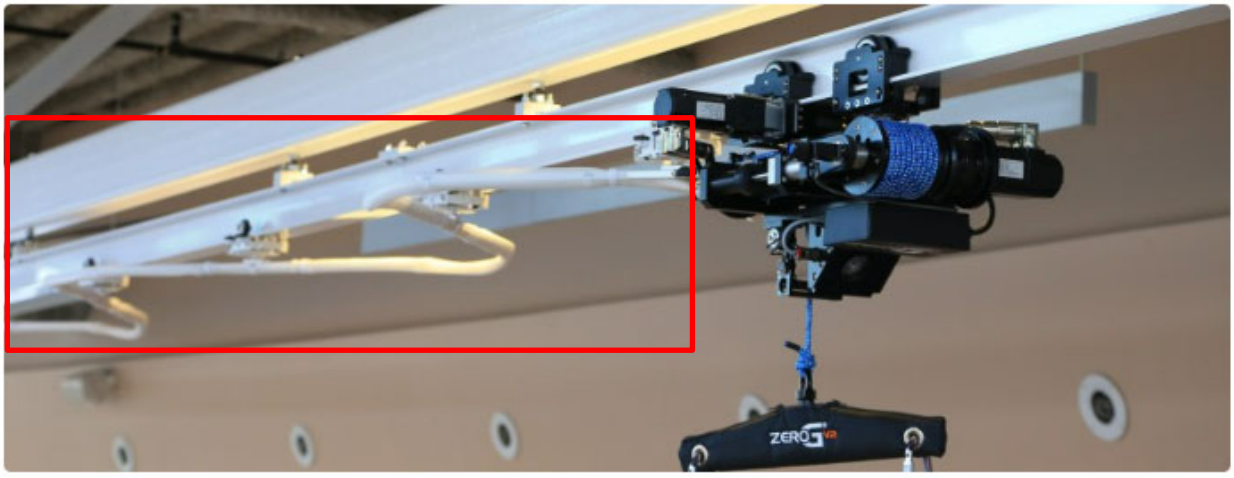
by a bulky, insulated cable and carrier system tethered to the ZeroG trolley and bending along the track in an accordion-type manner. This power cable interfered with the types of track configurations and length that could be set up in a facility (*e.g.*, closed loops), made installation options stricter to accommodate the carrier, limited the functional track length for the ZeroG system, limited the number of trolleys on a single track, and hampered the range of mobility that clinicians could engage in with their patients during a training session.[1]

15. Bioness was aware of the shortcomings of the ZeroG design and understood that customers desired a superior product. After disputes arose with Aretech regarding the distribution agreement, the parties terminated the agreement in 2011.

16. On information and belief, Aretech distributed ZeroG on its own afterward. Aretech subsequently released a second generation of ZeroG on February 12, 2014. The Version

[1] "ZeroG," *Aretech* (December 20, 2010), *available at* https://web.archive.org/web/20101220080837/http://www.aretechllc.com:80/ (last visited May 4, 2022) (annotations added).

2 trolley was also powered by a bulky, accordion-type cable that ran the length of the track.[2]



BIONESS'S INNOVATIVE VECTOR GAIT & SAFETY SYSTEM

17. After terminating the parties' distribution agreement, Bioness set out with an engineering design firm to pioneer a product to overcome issues it observed with existing commercial gait therapy systems, including the ZeroG. Over the next several years and through significant investments in its medical device technologies, Bioness developed and commercially released its innovative Vector system.

18. The Vector system uses an overhead robotic trolley with an attached harness system to support a patient during a training session and is load bearing up to four-hundred pounds. The Vector robotic trolley is mounted to customizable track configurations, enabling clinicians the flexibility to set the system up in their facilities according to their patients' needs:

[2] "Aretech Releases ZeroG Version 2," *Aretech* (Feb. 12, 2014), *available at* https://www.aretechllc.com/2014/02/aretech-releases-zerog-version-2/ (last visited May 4, 2022).

19. The robotic trolley is motorized on a conductive power rail that runs parallel with the track and includes a wireless software interface, obviating the need for a bulky power cable, overcoming the previously-mentioned limitations, and permitting unrestricted movement at any distance along the track. The trolley receives commands from Vector's software wirelessly and automatically monitors patient movements or may be manually operated by a clinician. A clinician may dynamically adjust safety parameters (*e.g.*, body weight support, fall protection) via wireless controls based on individual patient needs or specific activity requirements. Training data is collected for later analysis, session comparison, and medical record documentation. The harness system attached to the trolley includes multiple attachment points and locking carabiners to maximize patient comfort and safety.

20. After its February 2013 commercial release, the healthcare industry immediately recognized the novelty and value of Bioness's state-of-the-art Vector system. The Vector system was selected as the 2014 Medical Design Excellence Award ("MDEA") Gold winner in the Rehabilitation and Assistive-Technology Products category.[3] MDEA recognizes "medical technologies that excel in areas of design and engineering brilliance, manufacturing and technological innovation, clinical efficacy, cost-effectiveness, in addition to overall benefits to patients, end-users, and the healthcare industry."[4]

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[3] "Bioness Vector Gait & Safety System Wins Gold Medical Design Excellence Award," *BusinessWire* (June 12, 2014), *available at* https://www.businesswire.com/news/home/20140612005081/en/Bioness-Vector-Gait-Safety-System-Wins-Gold-Medical-Design-Excellence-Award (last visited May 4, 2022); "MDEA 2014 Winners," *Medical Design Excellence Awards* (2014), *available at* https://www.mdeawards.com/en/past-mdea-winners/2014-winners.html (last visited May 4, 2022).

[4] "Bioness Inc. Vector Gait & Safety System Selected as Finalist for Medical Industry Design

21. Bioness provides public notice in compliance with 35 U.S.C. § 287 that the Vector system incorporates the inventions of, among others, the Asserted Patents. Bioness maintains and has maintained a virtual marking website that identifies Bioness patents, including the Asserted Patents, in connection with its Vector system.

THE BIONESS ASSERTED PATENTS

22. Successful delivery of intensive yet safe gait therapy to individuals with significant walking deficits can present challenges to skilled clinicians. In the acute stages of certain neurological conditions, including stroke, and traumatic brain and spinal cord injuries, individuals often present highly unstable walking patterns and poor endurance, making it difficult to safely practice gait for both the patient and the clinician. In view of these challenges, rehabilitation centers and hospitals often move over-ground gait training to a treadmill where body-weight support systems can help minimize falls while raising training intensity.

23. While body-weight support treadmill training has proven successful as a safe, effective alternative to conventional gait training, few systems exist that transition patients from training on a treadmill to safe, weight-supported over-ground gait training. This latter form of training is highly desirable, as the goal for most individuals with walking impairments is to walk in their homes and communities.

24. Existing over-ground gait training systems come with a number of challenges to clinicians and patients alike. Some known support systems obstruct the clinician from interacting with the patient, particularly the lower legs of the patient. These systems present significant

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Award," *BioSpace* (April 16, 2014), *available at* https://www.biospace.com/article/releases/bioness-inc-vector-gait-and-safety-system-selected-as-finalist-for-medical-industry-design-award-/ (last visited May 4, 2022).

barriers for clinician-patient interactions where the patients require partial assistance to stabilize their knees and/or hips, or need help to propel their legs.

25. Other known gait support systems are configured to provide static unloading to a patient supported by the system. The length of shoulder straps that support patients in these systems are set to a fixed length such that the patient either bears substantially all of their weight when the straps are slack or substantially no weight when the straps are taut. These static unloading systems have been shown to result in abnormal ground reaction forces and altered muscle activation patterns in the lower extremities. In addition, these systems may limit the vertical excursions of a patient that prevent certain forms of balance and postural therapy where a large range of motion is necessary. Certain static support systems are also limited in the amount of body weight support they may provide. The body weight support in these systems cannot be modulated continuously but is often set before training sessions and kept fixed at a level for the duration of the session. Similarly, the amount of unloading cannot be adjusted continuously but requires manual intervention to adjust the system.

26. A few over-ground gait support systems include either a passive or motorized trolley and rail system to correct some of the issues in static support systems. These earlier trolley-rail systems present their own problems. With respect to motorized trolleys, earlier systems are relatively bulky, placing height restrictions on the system. The mechanics and overall system dynamics of these systems often result in delayed responsiveness, imparting in patients a feeling that they were pulling a heavy, bulky trolley when moving during training. Other motorized systems, like Aretech's first and second generations of the ZeroG, include large bundles of power cables and control cables to power and control the trolley. These cable bundles result in significant routing and management challenges and reduce the travel span of the trolley. In some instances,

the cable bundles constitute a varying inertia that affects the performance of control systems, reducing the efficacy of the overall motorized support system.

27. The inventions of the Asserted Patents improve upon and correct design flaws in these earlier weight-supported over-ground gait systems and are generally directed to systems and methods for supporting the body weight of a patient during gait therapy by using a wirelessly controlled trolley powered by a conductor coupled adjacent to the track on which the trolley glides.

The ’000 Patent

28. Bioness is the assignee and owner of the right, title, and interest in and to the ’000 Patent, having acquired those rights on January 6, 2014, including the right to assert all causes of action arising under the ’000 Patent and the right to any remedies for infringement, including remedies for past infringement.

29. The ’000 Patent, entitled “Methods and Apparatus for Body Weight Support System,” was issued by the United States Patent and Trademark Office on June 20, 2017. The ’000 Patent issued from United States Patent Application No. 13/745,830, filed on January 20, 2013. A copy of the ’000 Patent is attached as **Exhibit A**.

30. The ’000 Patent is valid, enforceable, and duly issued in full compliance with Title 35 of the United States Code.

The ’569 Patent

31. Bioness is the assignee and owner of the right, title, and interest in and to the ’569 Patent, having acquired those rights on January 6, 2014, including the right to assert all causes of action arising under the ’569 Patent and the right to any remedies for infringement, including remedies for past infringement.

32. The ’569 Patent, entitled “Methods and Apparatus for Body Weight Support

System," was issued by the United States Patent and Trademark Office on December 12, 2017. The '569 Patent issued from United States Patent Application No. 15/471,585 filed on March 28, 2017 and claims priority to at least January 20, 2013. A copy of the '569 Patent is attached as **Exhibit B**.

33. The '569 Patent is valid, enforceable, and duly issued in full compliance with Title 35 of the United States Code.

The '177 Patent

34. Bioness is the assignee and owner of the right, title, and interest in and to the '177 Patent, having acquired those rights on April 3, 2014, including the right to assert all causes of action arising under the '177 Patent and the right to any remedies for infringement, including remedies for past infringement.

35. The '177 Patent, entitled "Methods and Apparatus for Body Weight Support System," was issued by the United States Patent and Trademark Office on January 2, 2018. The '177 Patent issued from United States Patent Application No. 14/226,021 filed on March 26, 2014 and claims priority to at least January 20, 2013. A copy of the '177 Patent is attached as **Exhibit C**.

36. The '177 Patent is valid, enforceable, and duly issued in full compliance with Title 35 of the United States Code.

The '960 Patent

37. Bioness is the assignee and owner of the right, title, and interest in and to the '960 Patent, having acquired those rights on January 6, 2014, including the right to assert all causes of action arising under the '960 Patent and the right to any remedies for infringement, including remedies for past infringement.

38. The ’960 Patent, entitled “Methods and Apparatus for Body Weight Support System,” was issued by the United States Patent and Trademark Office on March 5, 2019. The ’960 Patent issued from United States Patent Application No. 15/783,755 filed on October 13, 2017 and claims priority to January 20, 2013. A copy of the ’960 Patent is attached as **Exhibit D**.

39. The ’960 Patent is valid, enforceable, and duly issued in full compliance with Title 35 of the United States Code.

The ’563 Patent

40. Bioness is the assignee and owner of the right, title, and interest in and to the ’563 Patent, having acquired those rights on January 20, 2016, including the right to assert all causes of action arising under the ’563 Patent and the right to any remedies for infringement, including remedies for past infringement.

41. The ’563 Patent, entitled “Methods and Apparatus for Body Weight Support System,” was issued by the United States Patent and Trademark Office on November 5, 2019. The ’563 Patent issued from United States Patent Application No. 14/613,140 filed on February 3, 2015 and claims priority to at least January 20, 2013. A copy of the ’563 Patent is attached as **Exhibit E**.

42. The ’563 Patent is valid, enforceable, and duly issued in full compliance with Title 35 of the United States Code.

The ’486 Patent

43. Bioness is the assignee and owner of the right, title, and interest in and to the ’486 Patent, having acquired those rights on January 6, 2014, including the right to assert all causes of action arising under the ’486 Patent and the right to any remedies for infringement, including remedies for past infringement.

44. The ’486 Patent, entitled “Methods and Apparatus for Body Weight Support System,” was issued by the United States Patent and Trademark Office on January 21, 2020. The ’486 Patent issued from United States Patent Application No. 16/244,839 filed on January 10, 2019 and claims priority to at least January 20, 2013. A copy of the ’486 Patent is attached as **Exhibit F**.

45. The ’486 Patent is valid, enforceable, and duly issued in full compliance with Title 35 of the United States Code.

The ’316 Patent

46. Bioness is the assignee and owner of the right, title, and interest in and to the ’316 Patent, having acquired those rights on March 19, 2018, including the right to assert all causes of action arising under the ’316 Patent and the right to any remedies for infringement, including remedies for past infringement.

47. The ’316 Patent, entitled “Methods and Apparatus for Body Weight Support System,” was issued by the United States Patent and Trademark Office on June 2, 2020. The ’316 Patent issued from United States Patent Application No. 15/896,731 filed on February 14, 2018 and claims priority to February 14, 2017. A copy of the ’316 Patent is attached as **Exhibit G**.

48. The ’316 Patent is valid, enforceable, and duly issued in full compliance with Title 35 of the United States Code.

The ’780 Patent

49. Bioness is the assignee and owner of the right, title, and interest in and to the ’780 Patent, having acquired those rights on January 6, 2014, including the right to assert all causes of action arising under the ’780 Patent and the right to any remedies for infringement, including remedies for past infringement.

50. The ’780 Patent, entitled “Methods and Apparatus for Body Weight Support System,” was issued by the United States Patent and Trademark Office on February 15, 2022. The ’780 Patent issued from United States Patent Application No. 16/742,543 filed on January 14, 2020 and claims priority to at least January 20, 2013. A copy of the ’780 Patent is attached as **Exhibit H**.

51. The ’780 Patent is valid, enforceable, and duly issued in full compliance with Title 35 of the United States Code.

The ’416 Patent

52. Bioness is the assignee and owner of the right, title, and interest in and to the ’416 Patent, having acquired those rights on January 20, 2016, including the right to assert all causes of action arising under the ’416 Patent and the right to any remedies for infringement, including remedies for past infringement.

53. The ’416 Patent, entitled “Methods and Apparatus for Body Weight Support System,” was issued by the United States Patent and Trademark Office on February 22, 2022. The ’416 Patent issued from United States Patent Application No. 16/599,793 filed on October 11, 2019 and claims priority to at least January 20, 2013. A copy of the ’416 Patent is attached as **Exhibit I**.

54. The ’416 Patent is valid, enforceable, and duly issued in full compliance with Title 35 of the United States Code.

The ’651 Patent

55. Bioness is the assignee and owner of the right, title, and interest in and to the ’651 Patent, having acquired those rights on January 6, 2014, including the right to assert all causes of action arising under the ’651 Patent and the right to any remedies for infringement, including

remedies for past infringement.

56. The ’651 Patent, entitled “Methods and Apparatus for Body Weight Support System,” was issued by the United States Patent and Trademark Office on May 10, 2022. The ’651 Patent issued from United States Patent Application No. 17/473,700, filed on September 13, 2021 and claims priority to at least January 20, 2013. A copy of the ’651 Patent is attached as **Exhibit J**.

57. The ’651 Patent is valid, enforceable, and duly issued in full compliance with Title 35 of the United States Code.

ARETECH’S KNOWLEDGE OF THE BIONESS PATENTS

58. Aretech has been aware of the ’000, ’569, ’177, ’960, and ’486 Patents, and published applications 2015/0143627 (now the ’563 Patent) and 2018/0229070 (now the ’316 Patent) since at least January 21, 2020, when it submitted an Information Disclosure Statement to the USPTO in connection with U.S. Patent Application No. 16/748,033 identifying those patents and published applications. A copy of Aretech’s Information Disclosure Statement is attached as **Exhibit K**.

THE ARETECH ACCUSED PRODUCT AND ITS INFRINGING ACTIVITIES

59. After the release of Bioness’s patented Vector system, Aretech changed the ZeroG design in its Version 3 release, principally by adding the conductor rail architecture from Bioness’s Vector system and the Asserted Patents. On information and belief, Aretech announced the ZeroG Version 3 (the “Accused Product”) release on February 21, 2017 at the American Physical Therapy Association’s Combined Sections Meeting in San Antonio, Texas.

60. Like its predecessors, the Accused Product includes a motorized trolley that can move along an overhead track. The trolley has a patient attachment configured to provide body

weight support to a single patient with a harness. The Accused Product and its attached harness are shown below.

61. On information and belief, the Accused Product includes a drive assembly with wheels and a motor configured to suspend and move the trolley from the support track, as shown below.[5]

62. However, the Accused Product diverges from the design of its earlier models, in

[5] Aretech, LLC, Facebook (Dec. 11, 2020), *available at* https://www.facebook.com/AretechLLC/posts/1516400308552515 (annotations added).

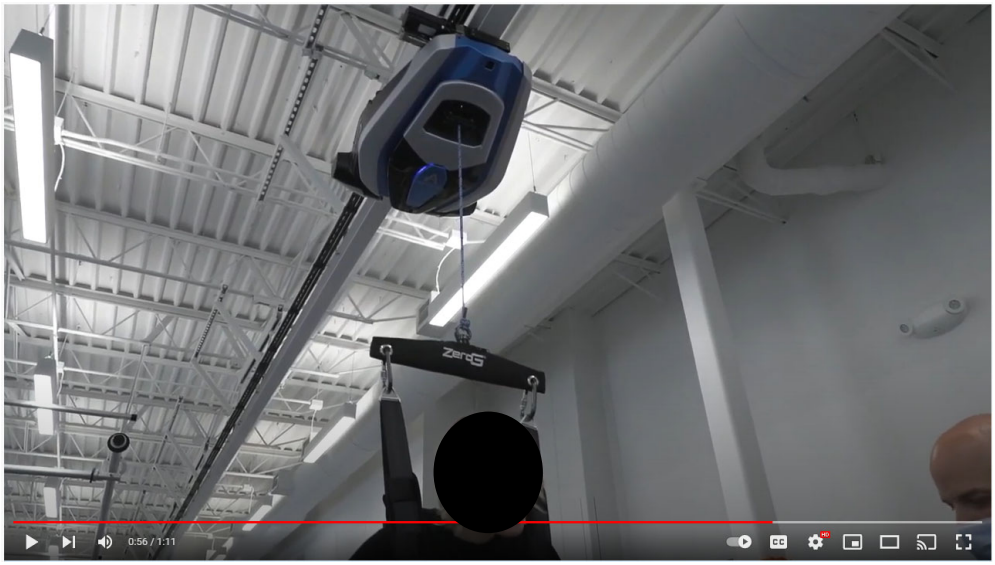
part, by including a rigid conductor adjacent to the support track that supplies electric power to the trolley.[6] This powered conductor, absent from the original ZeroG and its ZeroG Version 2, is covered by the Asserted Patents and was previously incorporated into the Bioness Vector system as early as February 2013.

63. **Exhibits O** through **X** further demonstrate how the design, operation, functionality, and/or use of the Accused Product practices the claims of the Asserted Patents.

64. Aretech promotes, advertises, and/or markets the Accused Product in the United States through, *e.g.*, numerous press releases on its website and other marketing collateral (*see,*

[6] Aretech, LLC, Facebook (Sept. 18, 2020), *available at* https://www.facebook.com/AretechLLC/posts/1445552328970647 (annotations added).

e.g., **Exhibit L**).[7] The press releases evince that Aretech's customers use the Accused Product in a manner consistent with the claimed methods of the Asserted Patents. In a recent example, Aretech issued a press release and YouTube video demonstrating use of the Accused Product by staff and patients at the Center for Human Performance Optimization at the Boys Town National Research Hospital in Omaha, Nebraska.[8] Video footage associated with the press release shows a patient using the Accused Product for body-weight support in gait therapy.[9]



[7] *E.g.*, "ZeroG Maximizes Patient Outcomes at Tampa General Hospital," *Aretech* (June 30, 2020), *available at* https://www.aretechllc.com/2020/06/zerog-maximizes-patient-outcomes-at-tampa-general-hospital/ (last visited May 4, 2022); "Community Hospital in Munster offers ZeroG," *Aretech* (July 9, 2019), *available at* https://www.aretechllc.com/2019/07/munster-hospital-offers-zerog/ (last visited May 4, 2022); "Gaylord Hospital Demonstrates ZeroG," *Aretech* (Mar. 12, 2019), *available at* https://www.aretechllc.com/2019/03/gaylord-hospital-demonstrates-zerog/ (last visited May 4, 2022); "ZeroG Used to Push Boundaries at Special Tree NeuroCare Center," *Aretech* (July 12, 2018), *available at* https://www.aretechllc.com/2018/07/zerog-special-tree/ (last visited May 4, 2022).

[8] "ZeroG at the Center for Human Performance Optimization," *Aretech* (Nov. 16, 2021), *available at* https://www.aretechllc.com/2021/11/zerog-at-the-center-for-human-performance-optimization/ (last visited May 4, 2022).

[9] "ZeroG by Aretech – Center for Human Performance Optimization," *YouTube* (Oct. 26, 2021), *available at* https://www.youtube.com/watch?v=lp4kti2nU00 (last visited May 4, 2022) (redaction added).

65. On information and belief, Aretech provides the Accused Product to rehabilitation centers and hospitals throughout the United States with instructions, training, and support for its initial set up, configuration, and recommended use. For example, FAQ documentation for the Accused Product, attached as **Exhibit M**, indicates that Aretech "can work with customers to design a custom hanging system for their facility." The FAQ document further notes that it can "custom design each track for each facility depending on [the customer's] space in an attempt to give the most functional track with the most length." After installation, the FAQ document indicates that Aretech tests the Accused Product at the customer's facility and facilitates training with an experienced clinician in the use of the system:

> ***Q. When does training occur?***
>
> After the system is installed and tested in a customer's facility, Aretech will schedule therapist training. Training is a full day by a therapist with years of experience treating patients with ZeroG.

66. On information and belief, Aretech also provides its customers with technical service and support related to the Accused Product. An exemplary 2018 service contract, attached as **Exhibit N**, describes that customers will receive unlimited telephone technical support, a single preventative maintenance, biennial maintenance and inspection (including replacement of essential components and re-calibration of the system's sensors and actuators), and free software upgrades during the service term:

ZeroG® Gait & Balance System

ARETECH

ZeroG® Version 3 Service Contract

The ZeroG system is a state of the art gait and balance training device that utilizes the latest technologies in motors, sensors and computing. In order to keep the system up to date and prevent unforeseen problems that may interrupt patient trainings, it is recommended that an Aretech, LLC certified technician complete a detailed inspection and maintenance on each ZeroG within any 24-month period. The biennial service contract for ZeroG includes a comprehensive inspection and preventative maintenance on the system and the track, including the replacement of essential components and re-calibration of the system's sensors and actuators. The service also includes free software upgrades on the user-interface computer, the wireless interface, and control modules throughout the 24-month period.

ZeroG Version 3 Service Contract

Price (biennial)..... $8,750 US

The service contract includes:

- Unlimited telephone technical support (M-F, 8 am – 8 pm EST)
- Biennale maintenance and inspection (detailed below)
- Free software upgrades on user interface, wireless interface and control modules
- Travel expenses for Aretech, LLC technician to and from customer's facility for a single preventative maintenance over the 24-month period

67. On information and belief, Aretech also provides customers with a two-year warranty for the Accused Products from the date of installation, which includes on-site repairs.

Service Term: The date ZeroG is installed is used as the expiration date for services in forthcoming years. It is recommended that ZeroG be serviced by an Aretech, LLC certified technician within any 24-month period. On-site repairs to ZeroG between months 0-24 are covered under the system's 2-year warranty included in the purchase price. The 2-year warranty does not include the costs of the first preventative maintenance on ZeroG, which should be done at the start of year 3.

COUNT I – INFRINGEMENT OF U.S. PATENT NO. 9,682,000

68. Bioness realleges and incorporates by reference the allegations set forth in the foregoing paragraphs 1 through 67 of the Complaint as though fully set forth herein.

69. Upon information and belief, Aretech has infringed and continues to infringe directly and indirectly, literally and under the doctrine of equivalents, at least claims 1, 8, and 13 of the '000 Patent by making, using, selling, and/or offering for sale the Accused Product.

70. Claim 1 of the ’000 Patent claims a novel apparatus with the following limitations:

> a trolley having a drive assembly configured to movably suspend the trolley from a track;
>
> a powered conductor operatively coupled to the track, the powered conductor being substantially parallel to the track, the powered conductor including at least one conductive inner surface, a portion of the trolley being disposed within the powered conductor and in contact with the at least one conductive inner surface to electrically couple the trolley to the powered conductor, the portion of the trolley configured to move within the powered conductor and along the at least one conductive surface when the trolley is moved along the track, the track, and the drive assembly each disposed outside of the powered conductor;
>
> at least one patient attachment coupled to the trolley, the at least one patient attachment configured to support a single patient; and
>
> a control system coupled to the trolley and at least operably coupled to the powered conductor.

71. The Accused Product meets each of the above limitations. *See e.g.,* **Exhibit O**.

72. The Accused Product includes a trolley having a drive assembly configured to movably suspend the trolley from a track.

73. The Accused Product includes a powered conductor operatively coupled to and substantially parallel to the track. The powered conductor includes at least one conductive inner surface and a portion of the trolley is in contact with at least one conductive inner surface to electrically couple the trolley to the powered conductor. A portion of the trolley is configured to move within the powered conductor and along the at least one conductive surface when the trolley is moved along the track.

74. The Accused Product includes a patient attachment coupled to the trolley that is configured to support a single patient.

75. The Accused Product includes a control system coupled to the trolley and at least operably coupled to the powered conductor.

76. Claim 8 of the ’000 Patent claims a novel apparatus with the following limitations:

> a housing;
>
> a drive element disposed at least partially within the housing;
>
> a wheel assembly coupled to the drive element and disposed at least partially within the housing; and
>
> a patient support assembly coupled to the housing, the patient support assembly including a pulley movably coupled to a portion of the housing and a cam operably coupled to the pulley, the patient support assembly including a tether engaged with the pulley and configured to dynamically support a body weight of a patient, the pulley configured to pivot relative to the housing and about a vertical axis in response to a force associated with the body weight of the patient exerted on the tether, the cam configured to pivot relative to the housing about the vertical axis in response to the pivoting of the pulley, the cam exerting a reaction force when the cam pivots relative to the housing, the cam operably coupled to a sensor configured to detect pivoting of the cam.

77. The Accused Product meets each of the above limitations. *See e.g.,* **Exhibit O**.

78. The Accused Product includes a housing.

79. The Accused Product includes a drive element disposed at least partially within the housing.

80. The Accused Product includes a wheel assembly coupled to the drive element. The wheel assembly is disposed at least partially within the housing.

81. The Accused Product includes a patient support assembly that is coupled to the housing. The patient support assembly includes a pulley movably coupled to a portion of the housing and a cam operably coupled to the pulley. The patient support assembly also includes a tether engaged with the pulley and configured to dynamically support a body weight of a patient. The pulley is configured to pivot relative to the housing and about a vertical axis in response to a force asserted with the body weight of the patient exerted on the tether. The cam is configured to pivot relative to the housing about the vertical axis in response to the pivoting of the pulley. The

cam exerts a reaction force when the cam pivots relative to the housing. The cam is operably coupled to a sensor configured to detect pivoting of the cam.

82. Claim 13 of the ’000 Patent claims a novel apparatus with the following limitations:

> a trolley having a drive assembly, the drive assembly including a plurality of wheels configured to move along at least one surface of a track to move the trolley relative to the track;
>
> a powered conductor operatively coupled and substantially parallel to the track, the powered conductor including at least one conductive surface in contact with a portion of the trolley to electrically couple the trolley to the powered conductor, the portion of the trolley configured to move along the at least one conductive surface when the trolley is moved along the track, a portion of the track disposed between at least one wheel from the plurality of wheels and the powered conductor to isolate the at least one wheel from the powered conductor;
>
> at least one patient attachment coupled to the trolley, the at [least] one patient attachment configured to support a single patient; and
>
> a control system coupled to the trolley and at least operably coupled to the powered conductor.

83. The Accused Product meets each of the above limitations. *See e.g.,* **Exhibit O**.

84. The Accused Product includes a trolley that has a drive assembly. The drive assembly includes a plurality of wheels that are configured to move along at least one surface of a track to move the trolley relative to the track.

85. The Accused Product includes a powered conductor operatively coupled and substantially parallel to the track. The powered conductor includes at least one conductive surface that is in contact with a portion of the trolley to electrically couple the trolley to the powered conductor. The portion of the trolley is configured to move along the at least one conductive surface when the trolley is moved along the track. A portion of the track is disposed between at least one wheel from the plurality of wheels and the powered conductor to isolate the at least one wheel from the powered conductor.

86. The Accused Product includes at least one patient attachment coupled to the trolley. The patient attachment is configured to support a single patient.

87. The Accused Product includes a control system coupled to the trolley. The control system is at least operably coupled to the powered conductor.

88. Upon information and belief, Aretech markets and sells the Accused Product in the United States to its partners, clients, customers, and end users who use the Accused Product across the country and in this District.

89. Upon information and belief, since at least July 21, 2020, Aretech has induced and continues to induce others to infringe at least one claim of the '000 Patent under 35 U.S.C. § 271(b) by, among other things, actively aiding and abetting others to infringe with specific intent or willful blindness, such others including, but not limited to, Aretech's partners, clients, customers, and end users, whose use of the Accused Product constitutes direct infringement of at least one claim of the '000 Patent.

90. In particular, Aretech's actions that aid and abet others such as its partners, clients, customers and end users to infringe include advertising and distributing the Accused Product and providing instructional materials, training, and services regarding the Accused Product. *See, e.g.,* Exhibits L, M, and N. As demonstrated in Exhibit M, Aretech works with customers to design custom hanging systems in their facilities that incorporate the infringing technology of the Accused Product. Aretech also provides training in the Accused Product, including at least "a full day by a therapist with years of experience treating patients with ZeroG." Aretech also offers customers service contracts for the Accused Product (*see* Exhibit N) that includes a single preventative maintenance, biennial maintenance and inspection (including replacement of essential components and re-calibration of the system's sensors and actuators), and free software upgrades during the

service term. Finally, Aretech insures the Accused Product with a two-year warranty from the date of installation, which includes on-site repairs to enable its customers to continue infringing the ’000 Patent through use of the Accused Product.

91. Upon information and belief, Aretech is liable for contributory infringement of the ’000 Patent under 35 U.S.C. § 271(c) for offering to sell and selling in the United States the Accused Product to be especially made or adapted for use to infringe the ’000 Patent. The Accused Product is a material component for use in practicing the ’000 Patent, is specifically made, and is not a staple article of commerce suitable for substantial non-infringing use.

92. As a consequence of each of Aretech’s direct and indirect infringement, both literal and under the doctrine of equivalents, of the ’000 Patent, Bioness has been, and continues to be, damaged in an amount not yet determined and is entitled to recover damages pursuant to 35 U.S.C. § 284.

93. Upon information and belief, Aretech’s infringement of the ’000 Patent will continue in the future, and Bioness will continue to suffer damages, as a consequence, unless Aretech’s infringing acts are enjoined by this Court.

94. Upon information and belief, Aretech’s infringement of the ’000 Patent has been, and continues to be, willful. Since at least January 21, 2020, Aretech knew of the ’000 Patent and knew it was infringing the ’000 Patent.

COUNT II – INFRINGEMENT OF U.S. PATENT NO. 9,839,569

95. Bioness realleges and incorporates by reference the allegations set forth in the foregoing paragraphs 1 through 94 of the Complaint as though fully set forth herein.

96. Upon information and belief, Aretech has infringed and continues to infringe directly and indirectly, literally and under the doctrine of equivalents, at least claim 1 of the ’569

Patent by making, using, selling, and/or offering for sale the Accused Product.

97. Claim 1 of the ’569 Patent claims a novel trolley configured to support an amount of a user’s body weight with the following limitations:

> a drive assembly including a plurality of wheels and a first motor, the first motor configured to move the plurality of wheels along a track to move the trolley relative to the track;
>
> a patient support mechanism including an adjustable tether and a second motor, the adjustable tether having a first end portion coupled to a drum of the patient support mechanism and a second end portion coupled to a harness worn by the user, the adjustable tether configured to support an amount of weight of the user, the second motor coupled to the drum and operable to adjust the amount of weight supported by the adjustable tether; and
>
> an electronic system electrically coupled to the first motor and the second motor, a portion of the electronic system in contact with at least one conductive surface of a powered conductor coupled adjacent to the track, the electronic system configured to supply the first motor and the second motor with electric power received from the powered conductor, the first motor configured to move at least a portion of the wheels along the track in response to movement of the patient supported by the adjustable tether.

98. The Accused Product meets each of the above limitations. *See e.g.,* **Exhibit P**.

99. The Accused Product includes a drive assembly including a plurality of wheels and a first motor, the first motor configured to move the plurality of wheels along a track to move the trolley relative to the track.

100. The Accused Product includes a patient support mechanism with an adjustable tether configured to support an amount of weight of the user and a second motor coupled to the drum and operable to adjust the amount of weight supported by the adjustable tether.

101. The Accused Product includes an electronic system configured to supply the first motor and the second motor with electric power received from a powered conductor coupled adjacent to the track.

102. Upon information and belief, Aretech markets and sells the Accused Product in the United States to its partners, clients, customers, and end users who use the Accused Product across the country and in this District.

103. Upon information and belief, since at least January 21, 2020, Aretech has induced and continues to induce others to infringe at least one claim of the '569 Patent under 35 U.S.C. § 271(b) by, among other things, actively aiding and abetting others to infringe with specific intent or willful blindness, such others including, but not limited to, Aretech's partners, clients, customers, and end users, whose use of the Accused Product constitutes direct infringement of at least one claim of the '569 Patent.

104. In particular, Aretech's actions that aid and abet others such as its partners, clients, customers and end users to infringe include advertising and distributing the Accused Product and providing instructional materials, training, and services regarding the Accused Product. *See, e.g.,* Exhibits L, M, and N. As demonstrated in Exhibit M, Aretech works with customers to design custom hanging systems in their facilities that incorporate the infringing technology of the Accused Product. Aretech also provides training in the Accused Product, including at least "a full day by a therapist with years of experience treating patients with ZeroG." Aretech also offers customers service contracts for the Accused Product (*see* Exhibit N) that includes a single preventative maintenance, biennial maintenance and inspection (including replacement of essential components and re-calibration of the system's sensors and actuators), and free software upgrades during the service term. Finally, Aretech insures the Accused Product with a two-year warranty from the date of installation, which includes on-site repairs to enable its customers to continue infringing the '569 Patent through use of the Accused Product.

105. Upon information and belief, Aretech is liable for contributory infringement of the

’569 Patent under 35 U.S.C. § 271(c) for offering to sell and selling in the United States the Accused Product to be especially made or adapted for use to infringe the ’569 Patent. The Accused Product is a material component for use in practicing the ’569 Patent, is specifically made, and is not a staple article of commerce suitable for substantial non-infringing use.

106. As a consequence of each of Aretech’s direct and indirect infringement, both literal and under the doctrine of equivalents, of the ’569 Patent, Bioness has been, and continues to be, damaged in an amount not yet determined and is entitled to recover damages pursuant to 35 U.S.C. § 284.

107. Upon information and belief, Aretech’s infringement of the ’569 Patent will continue in the future, and Bioness will continue to suffer damages, as a consequence, unless Aretech’s infringing acts are enjoined by this Court.

108. Upon information and belief, Aretech’s infringement of the ’569 Patent has been, and continues to be, willful. Since at least January 21, 2020, Aretech knew of the ’569 Patent and knew it was infringing the ’569 Patent.

COUNT III – INFRINGEMENT OF U.S. PATENT NO. 9,855,177

109. Bioness realleges and incorporates by reference the allegations set forth in the foregoing paragraphs 1 through 108 of the Complaint as though fully set forth herein.

110. Upon information and belief, Aretech has infringed and continues to infringe directly and indirectly, literally and under the doctrine of equivalents, at least claim 9 of the ’177 Patent by making, using, selling, and/or offering for sale the Accused Product.

111. Claim 9 of the ’177 Patent claims a novel apparatus with the following limitations:

> a coupling portion configured to be coupled to an end portion of a support track, the coupling portion including a first member and a second member, the second member configured to be maintained in a fixed position relative to the support track, the first member

> configured to move relative to the support track to transition the coupling portion between a first configuration and a second configuration; and
>
> a trolley portion movably suspended from the support track, the trolley portion being coupled to an end portion of the first member, the trolley portion including a bumper configured to contact a portion of a patient support assembly such that when the bumper contacts the portion of the patient support assembly and the patient support assembly moves relative to the support track towards the end portion of the support track, the trolley portion is moved from a first position to a second position relative to the support track,
>
> the first member of the coupling portion being movable relative to the second member of the coupling portion as the trolley portion is moved from the first position to the second position to place the coupling portion in the second configuration, the trolley portion and the coupling portion configured to collectively limit movement of the patient support assembly towards the end portion of the support track when the coupling portion is in the second configuration.

112. The Accused Product meets each of the above limitations. *See e.g.,* **Exhibit Q**.

113. The Accused Product includes a coupling portion coupled to the support track which transitions between a first configuration and a second configuration.

114. The Accused Product includes a trolley suspended from the support track which is coupled to the coupling portion. The trolley includes a bumper configured to contact a portion of a patient support assembly such that when the bumper contacts the patient support assembly and the patient support assembly moves relative to the support track, the trolley is moved from a first position to a second position relative to the support track.

115. The Accused Product includes a first member of the coupling portion being movable relative to a second member of the coupling portion as the trolley portion is moved from the first position to the second position to place the coupling portion in the second configuration, the trolley portion and the coupling portion configured to collectively limit movement of the patient support assembly towards the end portion of the support track when the coupling portion

is in the second configuration.

116. Upon information and belief, Aretech markets and sells the Accused Product in the United States to its partners, clients, customers, and end users who use the Accused Product across the country and in this District.

117. Upon information and belief, since at least January 21, 2020, Aretech has induced and continues to induce others to infringe at least one claim of the '177 Patent under 35 U.S.C. § 271(b) by, among other things, actively aiding and abetting others to infringe with specific intent or willful blindness, such others including, but not limited to, Aretech's partners, clients, customers, and end users, whose use of the Accused Product constitutes direct infringement of at least one claim of the '177 Patent.

118. In particular, Aretech's actions that aid and abet others such as its partners, clients, customers and end users to infringe include advertising and distributing the Accused Product and providing instructional materials, training, and services regarding the Accused Product. *See, e.g.,* Exhibits L, M, and N. As demonstrated in Exhibit M, Aretech works with customers to design custom hanging systems in their facilities that incorporate the infringing technology of the Accused Product. Aretech also provides training in the Accused Product, including at least "a full day by a therapist with years of experience treating patients with ZeroG." Aretech also offers customers service contracts for the Accused Product (*see* Exhibit N) that includes a single preventative maintenance, biennial maintenance and inspection (including replacement of essential components and re-calibration of the system's sensors and actuators), and free software upgrades during the service term. Finally, Aretech insures the Accused Product with a two-year warranty from the date of installation, which includes on-site repairs to enable its customers to continue infringing the '177 Patent through use of the Accused Product.

119. Upon information and belief, Aretech is liable for contributory infringement of the ’177 Patent under 35 U.S.C. § 271(c) for offering to sell and selling in the United States the Accused Product to be especially made or adapted for use to infringe the ’177 Patent. The Accused Product is a material component for use in practicing the ’177 Patent, is specifically made, and is not a staple article of commerce suitable for substantial non-infringing use.

120. As a consequence of each of Aretech’s direct and indirect infringement, both literal and under the doctrine of equivalents, of the ’177 Patent, Bioness has been, and continues to be, damaged in an amount not yet determined and is entitled to recover damages pursuant to 35 U.S.C. § 284.

121. Upon information and belief, Aretech’s infringement of the ’177 Patent will continue in the future, and Bioness will continue to suffer damages, as a consequence, unless Aretech’s infringing acts are enjoined by this Court.

122. Upon information and belief, Aretech’s infringement of the ’177 Patent has been, and continues to be, willful. Since at least January 21, 2020, Aretech knew of the ’177 Patent and knew it was infringing the ’177 Patent.

COUNT IV – INFRINGEMENT OF U.S. PATENT NO. 10,537,960

123. Bioness realleges and incorporates by reference the allegations set forth in the foregoing paragraphs 1 through 122 of the Complaint as though fully set forth herein.

124. Upon information and belief, Aretech has infringed and continues to infringe directly and indirectly, literally and under the doctrine of equivalents, at least claims 1, 11, and 21 of the ’960 Patent by making, using, selling, and/or offering for sale the Accused Product.

125. Claim 1 of the ’960 Patent claims a novel system with the following limitations:

> a trolley having a drive assembly configured to movably suspend the trolley from a track;

> an adjustable tether coupled to the trolley, the adjustable tether configured to support a patient; and
>
> a rigid, powered conductor fixedly coupled adjacent to the track such that each of the track and the drive assembly are disposed outside of and separated from the powered conductor, the powered conductor configured to electrically couple to the trolley, the trolley configured to supply the drive assembly with electric power received from the powered conductor to move the trolley along the track in response to a change in a force exerted by the patient on the adjustable tether.

126. The Accused Product meets each of the above limitations. *See e.g.,* **Exhibit R**.

127. The Accused Product includes a trolley having a drive assembly configured to movably suspend the trolley from a track.

128. The Accused Product includes an adjustable tether coupled to the trolley, the adjustable tether configured to support a patient.

129. The Accused Product includes a rigid, powered conductor fixedly coupled adjacent to the track such that each of the track and the drive assembly are disposed outside of and separated from the powered conductor, the powered conductor configured to electrically couple to the trolley, the trolley configured to supply the drive assembly with electric power received from the powered conductor.

130. Claim 11 of the ’960 Patent claims a novel trolley with the following limitations:

> a drive assembly configured to movably suspend the trolley from a track;
>
> a patient support mechanism including an adjustable tether and configured to support an amount of weight of a user; and
>
> an electronic system electrically coupled to the drive assembly and the patient support mechanism, a portion of the electronic system in electrical contact with at least one conductive surface of a rigid, powered conductor coupled adjacent to the track, the electronic system configured to supply the drive assembly with electric power received from the power conductor in response to a first force

> exerted by the user on the adjustable tether such that the drive assembly moves the trolley along the track, the electronic system configured to supply the patient support mechanism with electric power received from the powered conductor in response to a second force exerted by the user on the adjustable tether such that the patient support mechanism adjusts the amount of weight supported by the patient support mechanism, the second force being different from the first force.

131. The Accused Product meets each of the above limitations. *See e.g.,* **Exhibit R**.

132. The Accused Product includes a trolley that has a drive assembly configured to movably suspend the trolley from a track.

133. The Accused Product includes a trolley that has a patient support mechanism that includes an adjustable tether and is configured to support an amount of weight of a user.

134. The Accused Product includes a trolley that has an electronic system electrically coupled to the drive assembly and the patient support mechanism. A portion of the electronic system is in electrical contact with at least one conductive surface of a rigid, powered conductor coupled adjacent to the track. The electronic system is configured to supply the drive assembly with electric power received from the powered conductor in response to a first force exerted by the user on the adjustable tether such that the drive assembly moves the trolley along the track. The electronic system is configured to supply the patient support mechanism with electric power received from the powered conductor in response to a second force exerted by the user on the adjustable tether such that the patient support mechanism adjusts the amount of weight supported by the patient support mechanism. The second force is different than the first force.

135. Claim 21 of the ’960 Patent claims a novel method for supporting an amount of a user’s weight via a body weight support system. The body weight support system includes a trolley having a drive assembly and a patient support mechanism, where the drive assembly is configured to movably suspend the trolley from a track and the patient support mechanism includes an

adjustable tether. The novel method includes the following limitations:

> coupling the adjustable tether to a support harness worn by the user;
>
> receiving a flow of electric power from a rigid, powered conductor coupled adjacent to the track;
>
> providing a flow of electric power to at least one of the drive assembly or the patient support mechanism to place the trolley in a first operating state in response to a force exerted by the user on the adjustable tether; and
>
> providing a flow of electric power to at least one of the drive assembly or the patient support mechanism to place the trolley in a second operating state in response to a change in the force exerted by the user on the adjustable tether.

136. The use of the Accused Product meets each of the above limitations. *See e.g.,* **Exhibit R**.

137. The Accused Product includes a body weight support system that further includes a trolley that has a drive assembly and a patient support mechanism. The drive assembly is configured to movably suspend the trolley from a track. The patient support mechanism includes an adjustable tether.

138. The Accused Product couples the adjustable tether to a support harness that is worn by a user.

139. The Accused Product receives a flow of electric power from a rigid, powered conductor coupled adjacent to the track.

140. The Accused Product provides a flow of electric power to at least one of the drive assembly or the patient support mechanism to place the trolley in a first operating state in response to a force exerted by the user on the adjustable tether.

141. The Accused Product provides a flow of electric power to at least one of the drive assembly or the patient support mechanism to place the trolley in a second operating state in

response to a change in the force exerted by the user on the adjustable tether.

142. Upon information and belief, Aretech markets and sells the Accused Product in the United States to its partners, clients, customers, and end users who use the Accused Product across the country and in this District.

143. Upon information and belief, since at least January 21, 2020, Aretech has induced and continues to induce others to infringe at least one claim of the ’960 Patent under 35 U.S.C. § 271(b) by, among other things, actively aiding and abetting others to infringe with specific intent or willful blindness, such others including, but not limited to, Aretech’s partners, clients, customers, and end users, whose use of the Accused Product constitutes direct infringement of at least one claim of the ’960 Patent.

144. In particular, Aretech’s actions that aid and abet others such as its partners, clients, customers and end users to infringe include advertising and distributing the Accused Product and providing instructional materials, training, and services regarding the Accused Product. *See, e.g.,* Exhibits L, M, and N. As demonstrated in Exhibit M, Aretech works with customers to design custom hanging systems in their facilities that incorporate the infringing technology of the Accused Product. Aretech also provides training in the Accused Product, including at least “a full day by a therapist with years of experience treating patients with ZeroG.” Aretech also offers customers service contracts for the Accused Product (*see* Exhibit N) that includes a single preventative maintenance, biennial maintenance and inspection (including replacement of essential components and re-calibration of the system’s sensors and actuators), and free software upgrades during the service term. Finally, Aretech insures the Accused Product with a two-year warranty from the date of installation, which includes on-site repairs to enable its customers to continue infringing the ’960 Patent through use of the Accused Product.

145. Upon information and belief, Aretech is liable for contributory infringement of the ’960 Patent under 35 U.S.C. § 271(c) for offering to sell and selling in the United States the Accused Product to be especially made or adapted for use to infringe the ’960 Patent. The Accused Product is a material component for use in practicing the ’960 Patent, is specifically made, and is not a staple article of commerce suitable for substantial non-infringing use.

146. As a consequence of each of Aretech’s direct and indirect infringement, both literal and under the doctrine of equivalents, of the ’960 Patent, Bioness has been, and continues to be, damaged in an amount not yet determined and is entitled to recover damages pursuant to 35 U.S.C. § 284.

147. Upon information and belief, Aretech’s infringement of the ’960 Patent will continue in the future, and Bioness will continue to suffer damages, as a consequence, unless Aretech’s infringing acts are enjoined by this Court.

148. Upon information and belief, Aretech’s infringement of the ’960 Patent has been, and continues to be, willful. Since at least January 21, 2020, Aretech knew of the ’960 Patent and knew it was infringing the ’960 Patent.

COUNT V – INFRINGEMENT OF U.S. PATENT NO. 10,463,563

149. Bioness realleges and incorporates by reference the allegations set forth in the foregoing paragraphs 1 through 148 of the Complaint as though fully set forth herein.

150. Upon information and belief, Aretech has infringed and continues to infringe directly and indirectly, literally and under the doctrine of equivalents, at least claims 1, 7, and 14 of the ’563 Patent by making, using, selling, and/or offering for sale the Accused Product.

151. Claim 1 of the ’563 Patent claims a novel method with the following limitations:

> receiving, at an active trolley, electrical current from a rigid power conductor, the active trolley including (1) a drive mechanism having

a motor and a set of wheels configured to movably suspend the active trolley from a support track and (2) a patient support mechanism having a motor and a tether configured to be coupled to a patient harness such that the patient support mechanism supports a patient, the rigid power conductor being fixedly coupled adjacent to and offset from the support track;

receiving a signal associated with a first operating condition of at least one of the drive mechanism or the patient support mechanism;

providing a portion of the electrical current to at least one of the motor of the drive mechanism or the motor of the patient support mechanism operable to transition at least one of the drive mechanism or the patient support mechanism, respectively, from the first operating condition to a second operating condition in response to movement of the patient such that (1) the motor of the drive mechanism rotates the set of wheels to move the active trolley along the support track or (2) the motor of the patient support mechanism moves the tether relative to the active trolley, respectively;

receiving a signal associated with the second operating condition of at least one of the drive mechanism or the patient support mechanism;

determining a difference between the first operating condition and the second operating condition;

determining, based at least in part on the difference between the first operating condition and the second operating condition, a change in a position associated with the patient harness; and

defining, based at least in part on the change in the position associated with the patient harness, a gait characteristic of the patient supported by the patient support mechanism.

152. The use of the Accused Product meets each of the above limitations. *See e.g.,* **Exhibit S**.

153. The Accused Product uses an active trolley, which receives electrical current from a rigid power conductor, and also includes a drive mechanism and a patient support mechanism.

154. The Accused Product receives a signal associated with a first operating condition of at least one of the drive mechanism or the patient support mechanism.

155. The Accused Product provides a portion of the electrical current to at least one of the motor of the drive mechanism or the motor of the patient support mechanism in response to movement of the patient such that (1) the motor of the drive mechanism rotates the set of wheels to move the active trolley along the support track or (2) the motor of the patient support mechanism moves the tether relative to the active trolley.

156. The Accused Product receives a signal associated with the second operating condition of at least one of the drive mechanism or the patient support mechanism.

157. The Accused Product determines a difference between the first operating condition and the second operating condition.

158. The Accused Product determines, based at least in part on the difference between the first operating condition and the second operating condition, a change in a position associated with the patient harness.

159. The Accused Product defines, based at least in part on the change in the position associated with the patient harness, a gait characteristic of the patient supported by the patient support mechanism.

160. Claim 7 of the '563 Patent claims a novel method with the following limitations:

> receiving, at an active trolley, electrical current from a rigid power conductor, the active trolley including (1) a drive mechanism having a motor and a set of wheels configured to movably suspend the active trolley from a support track and (2) a patient support mechanism having a motor and a tether configured to tether a patient to the patient support mechanism to support at least a portion of a weight of the patient, the rigid power conductor being fixedly coupled adjacent to and offset from the support track;
>
> providing a first flow of the electrical current to the motor of the patient support mechanism in response to movement of the patient such that the motor of the patient support mechanism moves a portion of the tether relative to the patient;

providing a second flow of the electrical current to the motor of the drive mechanism in response to the movement of the patient such that the motor of the drive mechanism rotates the set of wheels to move the active trolley along the support track;

receiving a first signal from a first sensor, the first signal being associated with an operating condition of the patient support mechanism after being sent the first flow of the electrical current;

receiving a second signal from a second sensor, the second signal being associated with an operating condition of the drive mechanism after being sent the second flow of the electrical current;

defining at least one gait characteristic associated with the movement of the patient based at least in part on the operating condition of the patient support mechanism and the operating condition of the drive mechanism; and

sending, to an electronic device having a display, a third signal, the third signal indicative of an instruction to output data associated with the at least one gait characteristic via the display.

161. The use of the Accused Product meets each of the above limitations. *See e.g.,* **Exhibit S**.

162. The Accused Product uses an active trolley, which receives electrical current from a rigid power conductor, and also includes a drive mechanism and a patient support mechanism.

163. The Accused Product provides a first flow of electrical current to the motor of the patient support mechanism in response to movement of the patient such that the motor of the patient support mechanism moves a portion of the tether relative to the patient.

164. The Accused Product provides a second flow of the electrical current to the motor of the drive mechanism in response to the movement of the patient such that the motor of the drive mechanism rotates the set of wheels to move the active trolley along the support track.

165. The Accused Product receives a first signal from a first sensor associated with an operating condition of the patient support mechanism after being sent the first flow of the electrical current.

166. The Accused Product receives a second signal from a second sensor associated with an operating condition of the drive mechanism after being sent the second flow of the electrical current.

167. The Accused Product defines at least one gait characteristic associated with the movement of the patient based at least in part on the operating condition of the patient support mechanism and the operating condition of the drive mechanism.

168. The Accused Product sends, to an electronic device having a display, a third signal, the third signal indicative of an instruction to output data associated with the at least one gait characteristic via the display.

169. Claim 14 of the ’563 Patent claims a novel method with the following limitations:

> receiving, at an active trolley, electrical current from a rigid power conductor, the active trolley including (1) a drive mechanism having a motor and a set of wheels configured to movably suspend the active trolley from a support track and (2) a patient support mechanism having a motor and a tether configured to tether a patient to the patient support mechanism to support at least a portion of a weight of the patient, the rigid power conductor being fixedly coupled adjacent to and offset from the support track such that each of the support track and the drive mechanism are separated from the rigid power conductor;
>
> receiving at a processor of the active trolley, a signal associated with a first operating condition of the active trolley;
>
> providing a flow of electrical current to at least one of the drive mechanism or the patient support mechanism to transition the active trolley from the first operating condition to a second operating condition in response to a change in force exerted by the patient on the tether such that (1) the motor of the drive mechanism rotates the set of wheels to move the active trolley along the support track or (2) the motor of the patient support mechanism moves a portion of the tether relative to the patient, respectively;
>
> defining, at the processor, at least one gait characteristic of the patient based at least in part on a difference between the first operating condition and the second operating condition of the active trolley; and

displaying data associated with the at least one gait characteristic of the patient on a display of an electronic device in communication with the processor.

170. The use of the Accused Product meets each of the above limitations. *See e.g.,* **Exhibit S**.

171. The Accused Product uses an active trolley, which receives electrical current from a rigid power conductor, and also includes a drive mechanism and a patient support mechanism.

172. The Accused Product receives at a processor of the active trolley a signal associated with a first operating condition of the active trolley.

173. The Accused Product provides a flow of electrical current to at least one of the drive mechanism or the patient support mechanism to transition the active trolley from the first operating condition to a second operating condition in response to a change in force exerted by the patient on the tether, where the motor of the drive mechanism rotates the set of wheels to move the active trolley along the support track or the motor of the patient support mechanism moves a portion of the tether relative to the patient, respectively.

174. The Accused Product defines, at the processor, at least one gait characteristic of the patient based at least in part on a difference between the first operating condition and the second operating condition of the active trolley.

175. The Accused Product displays data associated with the at least one gait characteristic of the patient on a display of an electronic device in communication with the processor.

176. Upon information and belief, Aretech markets and sells the Accused Product in the United States to its partners, clients, customers, and end users who use the Accused Product across the country and in this District.

177. Upon information and belief, since at least January 21, 2020, Aretech has induced

and continues to induce others to infringe at least one claim of the ’563 Patent under 35 U.S.C. § 271(b) by, among other things, actively aiding and abetting others to infringe with specific intent or willful blindness, such others including, but not limited to, Aretech’s partners, clients, customers, and end users, whose use of the Accused Product constitutes direct infringement of at least one claim of the ’563 Patent.

178. In particular, Aretech’s actions that aid and abet others such as its partners, clients, customers and end users to infringe include advertising and distributing the Accused Product and providing instructional materials, training, and services regarding the Accused Product. *See, e.g.,* Exhibits L, M, and N. As demonstrated in Exhibit M, Aretech works with customers to design custom hanging systems in their facilities that incorporate the infringing technology of the Accused Product. Aretech also provides training in the Accused Product, including at least “a full day by a therapist with years of experience treating patients with ZeroG.” Aretech also offers customers service contracts for the Accused Product (*see* Exhibit N) that includes a single preventative maintenance, biennial maintenance and inspection (including replacement of essential components and re-calibration of the system’s sensors and actuators), and free software upgrades during the service term. Finally, Aretech insures the Accused Product with a two-year warranty from the date of installation, which includes on-site repairs to enable its customers to continue infringing the ’563 Patent through use of the Accused Product.

179. Upon information and belief, Aretech is liable for contributory infringement of the ’563 Patent under 35 U.S.C. § 271(c) for offering to sell and selling in the United States the Accused Product to be especially made or adapted for use to infringe the ’563 Patent. The Accused Product is a material component for use in practicing the ’563 Patent, is specifically made, and is not a staple article of commerce suitable for substantial non-infringing use.

180. As a consequence of each of Aretech's direct and indirect infringement, both literal and under the doctrine of equivalents, of the '563 Patent, Bioness has been, and continues to be, damaged in an amount not yet determined and is entitled to recover damages pursuant to 35 U.S.C. § 284.

181. Upon information and belief, Aretech's infringement of the '563 Patent will continue in the future, and Bioness will continue to suffer damages, as a consequence, unless Aretech's infringing acts are enjoined by this Court.

182. Upon information and belief, Aretech's infringement of the '563 Patent has been, and continues to be, willful. Since at least January 21, 2020, Aretech knew of U.S. Patent App. Pub. 2015/0143627, which resulted in the '563 Patent, and knew it was infringing the '563 Patent.

COUNT VI – INFRINGEMENT OF U.S. PATENT NO. 10,537,486

183. Bioness realleges and incorporates by reference the allegations set forth in the foregoing paragraphs 1 through 182 of the Complaint as though fully set forth herein.

184. Upon information and belief, Aretech has infringed and continues to infringe directly and indirectly, literally and under the doctrine of equivalents, at least claims 1, 11, and 18 of the '486 Patent by making, using, selling, and/or offering for sale the Accused Product.

185. Claim 1 of the '486 Patent claims a novel system with the following limitations:

> a support track;
>
> a trolley having a drive assembly and a support mechanism, the drive assembly having a motor and a plurality of wheels configured to movably suspend the trolley from the support track, the support mechanism including an adjustable tether configured to support a user; and
>
> a rigid powered conductor fixedly coupled adjacent to and offset from the support track such that each of the support track and the drive assembly are separated from the powered conductor, the trolley configured to receive electric power from the powered

> conductor and to supply the motor of the drive assembly with a portion of the electric power to move the plurality of wheels along the support track in response to a force exerted by the user on the adjustable tether such that the trolley is maintained within a predefined range of positions relative to the user.

186. The Accused Product meets each of the above limitations. *See e.g.,* **Exhibit T**.

187. The Accused Product includes a support track.

188. The Accused Product includes a trolley having a drive assembly and a support mechanism, the drive assembly having a motor and a plurality of wheels configured to movably suspend the trolley from the support track, the support mechanism including an adjustable tether configured to support a user.

189. The Accused Product includes a rigid powered conductor fixedly coupled adjacent to and offset from the support track such that each of the support track and the drive assembly are separated from the powered conductor, where the trolley is configured to receive electric power from the powered conductor and supplies the motor of the drive assembly with a portion of the electric power to move the plurality of wheels along the support track in response to a force exerted by the user on the adjustable tether such that the trolley is maintained within a predefined range of positions relative to the user.

190. Claim 11 of the ’486 Patent claims a novel system with the following limitations:

> a support track;
>
> a trolley having a drive assembly and a support mechanism, the drive assembly having a plurality of wheels configured to movably suspend the trolley from the support track, the support mechanism including a drum, a motor configured to rotate the drum, and an adjustable tether having a first end portion coupled to the drum, the adjustable tether having a second end portion configured to be coupled to a support harness wearable by a user, the support mechanism configured to support an amount of weight of the user when the second end portion of the adjustable tether is coupled to the support harness; and

> a rigid powered conductor fixedly coupled adjacent to and offset from the support track such that each of the support track and the drive assembly are separated from the powered conductor, the trolley configured to receive electric power from the powered conductor and to supply the motor of the support mechanism with a portion of the electric power in response to a force exerted by the user on the adjustable tether such that the motor rotates the drum to transition the support mechanism from a first operating state to a second operating state, the amount of weight of the user supported by the support mechanism when in the first operating state being about equal to the amount of weight of the user supported by the support mechanism when in the second operating state.

191. The Accused Product meets each of the above limitations. *See e.g.,* **Exhibit T**.

192. The Accused Product includes a support track.

193. The Accused Product includes a trolley having a drive assembly and a support mechanism.

194. The drive assembly has a plurality of wheels configured to movably suspend the trolley from the support track.

195. The support mechanism has a drum, a motor configured to rotate the drum, and an adjustable tether having a first end portion coupled to the drum. The adjustable tether has a first end portion coupled to the drum and a second end portion configured to be coupled to a support harness wearable by a user. The support mechanism is configured to support an amount of weight of the user when the second end portion of the adjustable tether is coupled to the support harness.

196. The Accused Product includes a rigid powered conductor fixedly coupled adjacent to and offset from the support track such that each of the support track and the drive assembly are separated from the powered conductor.

197. The trolley in the Accused Product is configured to receive electric power from the powered conductor and to supply the motor of the support mechanism with a portion of the electric

power in response to a force exerted by the user on the adjustable tether such that the motor rotates the drum to transition the support mechanism from a first operating state to a second operating state. The amount of weight of the suer is supported by the support mechanism when int eh first operating state and is about equal to the amount of weight of the user supported by the support mechanism when in the second operating state.

198. Claim 18 of the ’486 Patent claims a novel trolley with the following limitations:

> a drive assembly having a plurality of wheels configured to movably suspend the trolley from a support track;
>
> a support mechanism including an adjustable tether and configured to support a predefined amount of weight of a user; and
>
> an electronic system electrically coupled to the drive assembly and the support mechanism, the electronic system configured to electrically couple to a rigid powered conductor coupled adjacent to and offset from the support track, the electronic system configured to supply the drive assembly with a portion of the electric power received from the powered conductor in response to a force exerted by the user on the adjustable tether such that the drive assembly moves the plurality of the wheels along the track,
>
> the electronic system configured to supply the support mechanism with a portion of the electric power received from the powered conductor to transition the support mechanism from a first operating state to a second operating state in response to the force exerted by the user on the adjustable tether, the support mechanism configured to support the predefined amount of weight when in the first operating state and the second operating state.

199. The Accused Product meets each of the above limitations. *See e.g.,* **Exhibit T**.

200. The Accused Product includes a trolley.

201. The Accused Product includes a drive assembly having a plurality of wheels configured to movably suspend the trolley from a support track.

202. The Accused Product includes a support mechanism that further includes an adjustable tether. The support mechanism is configured to support a predefined amount of weight

of a user.

203. The Accused Product includes an electronic system that is electrically coupled to the drive assembly and the support mechanism. The electronic system is configured to electrically couple to a rigid powered conductor that is coupled adjacent to and offset from the support track. The electronic system is configured to supply the drive assembly with a portion of the electric power received from the powered conductor in response to a force exerted by the user on the adjustable tether such that the drive assembly moves the plurality of the wheels along the track.

204. The electronic system of the Accused Product is also configured to supply the support mechanism with a portion of the electric power received from the powered conductor to transition the support mechanism from a first operating state to a second operating state in response to the force exerted by the user on the adjustable tether. The support mechanism is configured to support the predefined amount of weight when in the first operating state and the second operating state.

205. Upon information and belief, Aretech markets and sells the Accused Product in the United States to its partners, clients, customers, and end users who use the Accused Product across the country and in this District.

206. Upon information and belief, since at least January 21, 2020, Aretech has induced and continues to induce others to infringe at least one claim of the ’486 Patent under 35 U.S.C. § 271(b) by, among other things, actively aiding and abetting others to infringe with specific intent or willful blindness, such others including, but not limited to, Aretech’s partners, clients, customers, and end users, whose use of the Accused Product constitutes direct infringement of at least one claim of the ’486 Patent.

207. In particular, Aretech’s actions that aid and abet others such as its partners, clients,

customers and end users to infringe include advertising and distributing the Accused Product and providing instructional materials, training, and services regarding the Accused Product. *See, e.g.,* Exhibits L, M, and N. As demonstrated in Exhibit M, Aretech works with customers to design custom hanging systems in their facilities that incorporate the infringing technology of the Accused Product. Aretech also provides training in the Accused Product, including at least "a full day by a therapist with years of experience treating patients with ZeroG." Aretech also offers customers service contracts for the Accused Product (*see* Exhibit N) that includes a single preventative maintenance, biennial maintenance and inspection (including replacement of essential components and re-calibration of the system's sensors and actuators), and free software upgrades during the service term. Finally, Aretech insures the Accused Product with a two-year warranty from the date of installation, which includes on-site repairs to enable its customers to continue infringing the '486 Patent through use of the Accused Product.

208. Upon information and belief, Aretech is liable for contributory infringement of the '486 Patent under 35 U.S.C. § 271(c) for offering to sell and selling in the United States the Accused Product to be especially made or adapted for use to infringe the '486 Patent. The Accused Product is a material component for use in practicing the '486 Patent, is specifically made, and is not a staple article of commerce suitable for substantial non-infringing use.

209. As a consequence of each of Aretech's direct and indirect infringement, both literal and under the doctrine of equivalents, of the '486 Patent, Bioness has been, and continues to be, damaged in an amount not yet determined and is entitled to recover damages pursuant to 35 U.S.C. § 284.

210. Upon information and belief, Aretech's infringement of the '486 Patent will continue in the future, and Bioness will continue to suffer damages, as a consequence, unless

Aretech's infringing acts are enjoined by this Court.

211. Upon information and belief, Aretech's infringement of the '486 Patent has been, and continues to be, willful. Since at least January 21, 2020, Aretech knew of the '486 Patent and knew it was infringing the '486 Patent.

COUNT VII – INFRINGEMENT OF U.S. PATENT NO. 10,668,316

212. Bioness realleges and incorporates by reference the allegations set forth in the foregoing paragraphs 1 through 211 of the Complaint as though fully set forth herein.

213. Upon information and belief, Aretech has infringed and continues to infringe directly and indirectly, literally and under the doctrine of equivalents, at least claims 1 and 7 of the '316 Patent by making, using, selling, and/or offering for sale the Accused Products.

214. Claim 1 of the '316 Patent claims a novel method for using a body weight support system to provide body weight support during gait training. The body weight support system includes a drive assembly configured to movably suspend the body weight support system from a support track and a tether configured to be coupled to an attachment device worn by a user to couple the user to the body weight support system, with the following limitations:

> defining a reference length of the tether when the attachment device is in an initial position;
>
> defining a threshold length of the tether;
>
> providing a first amount of body weight support during the gait training as the user moves relative to a surface and the length of the tether is less than the threshold length of the tether;
>
> providing a second amount of body weight support during the gait training as the user moves relative to the surface and the length of the tether is greater than the threshold length of the tether, the drive assembly configured to move the body weight support system relative to the support track to maintain the body weight support system in a substantially overhead position relative to the user as the user moves relative to the surface; and

displaying data associated with the gait training on a display of an electronic device included in the body weight support system.

215. The use of the Accused Product meets each of the above limitations. *See e.g.,* **Exhibit U**.

216. The Accused Product defines a reference length of the tether when the attachment device is in an initial position.

217. The Accused Product defines a threshold length of the tether.

218. The Accused Product provides a first amount of body weight support during the gait training as the user moves relative to a surface and the length of the tether is less than the threshold length of the tether.

219. The Accused Product provides a second amount of body weight support during the gait training as the user moves relative to the surface and the length of the tether is greater than the threshold length of the tether, the drive assembly configured to move the body weight support system relative to the support track to maintain the body weight support system in a substantially overhead position relative to the user as the user moves relative to the surface.

220. The Accused Product displays data associated with the gait training on a display of an electronic device included in the body weight support system.

221. Claim 7 of the ’316 Patent claims a novel method for using a body weight support system to provide body weight support to a patient during gait training. The body weight support system includes a tether configured to be coupled to an attachment device worn by a user to couple the user to the body weight support system, with the following limitations:

defining a reference length of the tether when the attachment device is in an initial position;

defining a first criterion associated with a change in a length of the tether;

defining a second criterion associated with a change in a length of the tether;

defining an amount of the body weight support to provide in response to the user falling during the gait training;

maintaining the body weight support system in a substantially overhead position relative to the user as the user moves relative to a surface;

determining a fall has occurred based on the first criterion and the second criterion being satisfied; and

providing the amount of body weight support in response to the first criterion and the second criterion being satisfied.

222. The use of the Accused Product meets each of the above limitations. *See e.g.,* **Exhibit U**.

223. The Accused Product defines a reference length of the tether when the attachment device is in an initial position.

224. The Accused Product defines a first criterion associated with a change in a length of the tether.

225. The Accused Product also defines a second criterion associated with a change in a length of the tether.

226. The Accused Product defines an amount of the body weight support to provide in response to the user falling during gait training.

227. The Accused Product maintains the body weight support system in a substantially overhead position relative to the user as the user moves relative to a surface.

228. The Accused Product determines a fall has occurred based on the first criterion and the second criterion being satisfied.

229. The Accused Product provides the amount of body weight support in response to

the first criterion and the second criterion being satisfied.

230. Upon information and belief, Aretech markets and sells the Accused Product in the United States to its partners, clients, customers, and end users who use the Accused Product across the country and in this District.

231. Upon information and belief, since at least January 21, 2020, Aretech has induced and continues to induce others to infringe at least one claim of the ’316 Patent under 35 U.S.C. § 271(b) by, among other things, actively aiding and abetting others to infringe with specific intent or willful blindness, such others including, but not limited to, Aretech’s partners, clients, customers, and end users, whose use of the Accused Product constitutes direct infringement of at least one claim of the ’316 Patent.

232. In particular, Aretech’s actions that aid and abet others such as its partners, clients, customers and end users to infringe include advertising and distributing the Accused Product and providing instructional materials, training, and services regarding the Accused Product. *See, e.g.,* Exhibits L, M, and N. As demonstrated in Exhibit M, Aretech works with customers to design custom hanging systems in their facilities that incorporate the infringing technology of the Accused Product. Aretech also provides training in the Accused Product, including at least “a full day by a therapist with years of experience treating patients with ZeroG.” Aretech also offers customers service contracts for the Accused Product (*see* Exhibit N) that includes a single preventative maintenance, biennial maintenance and inspection (including replacement of essential components and re-calibration of the system’s sensors and actuators), and free software upgrades during the service term. Finally, Aretech insures the Accused Product with a two-year warranty from the date of installation, which includes on-site repairs to enable its customers to continue infringing the ’316 Patent through use of the Accused Product.

233. Upon information and belief, Aretech is liable for contributory infringement of the ’316 Patent under 35 U.S.C. § 271(c) for offering to sell and selling in the United States the Accused Product to be especially made or adapted for use to infringe the ’316 Patent. The Accused Product is a material component for use in practicing the ’316 Patent, is specifically made, and is not a staple article of commerce suitable for substantial non-infringing use.

234. As a consequence of each of Aretech’s direct and indirect infringement, both literal and under the doctrine of equivalents, of the ’316 Patent, Bioness has been, and continues to be, damaged in an amount not yet determined and is entitled to recover damages pursuant to 35 U.S.C. § 284.

235. Upon information and belief, Aretech’s infringement of the ’316 Patent will continue in the future, and Bioness will continue to suffer damages, as a consequence, unless Aretech’s infringing acts are enjoined by this Court.

236. Upon information and belief, Aretech’s infringement of the ’316 Patent has been, and continues to be, willful. Since at least January 21, 2020, Aretech knew of U.S. Patent App. Pub. 2018/0229070, which resulted in the ’316 Patent, and knew it was infringing the ’316 Patent.

COUNT VIII – INFRINGEMENT OF U.S. PATENT NO. 11,246,780

237. Bioness realleges and incorporates by reference the allegations set forth in the foregoing paragraphs 1 through 236 of the Complaint as though fully set forth herein.

238. Upon information and belief, Aretech has infringed and continues to infringe directly and indirectly, literally and under the doctrine of equivalents, at least claim 1 of the ’780 Patent by making, using, selling, and/or offering for sale the Accused Product.

239. Claim 1 of the ’780 Patent claims a novel method with the following limitations:

> receiving, at a trolley, electrical current from a rigid power conductor fixedly coupled to and offset from a stationary support

track, the trolley including a drive configured to movably couple the trolley to the stationary support track and a support configured to couple a user to the trolley via a tether;

providing an amount of body weight support while the drive and the support are in a first operating condition;

transitioning, in response to a flow of electrical current, at least one of the drive or the support from the first operating condition to a second operating condition;

providing an amount of body weight support when the at least one of the drive or the support is in the second operating condition; and

maintaining the trolley in a substantially overhead position relative to the user as the user moves relative to the stationary support track.

240. The use of the Accused Product meets each of the above limitations. *See e.g.,* **Exhibit V**.

241. The Accused Product receives, at a trolley, electrical current from a rigid power conductor fixedly coupled to and offset from a stationary support track, the trolley including a drive configured to movably couple the trolley to the stationary support track and a support configured to couple a user to the trolley via a tether.

242. The Accused Product provides an amount of body weight support while the drive and the support are in a first operating condition.

243. The Accused Product transitions, in response to a flow of electrical current, at least one of the drive or the support from the first operating condition to a second operating condition.

244. The Accused Product provides an amount of body weight support when the at least one of the drive or the support is in the second operating condition.

245. The Accused Product maintains the trolley in a substantially overhead position relative to the user as the user moves relative to the stationary support track.

246. Upon information and belief, Aretech markets and sells the Accused Product in the

United States to its partners, clients, customers, and end users who use the Accused Product across the country and in this District.

247. Upon information and belief, Aretech has induced and continues to induce others to infringe at least one claim of the '780 Patent under 35 U.S.C. § 271(b) by, among other things, actively aiding and abetting others to infringe with specific intent or willful blindness, such others including, but not limited to, Aretech's partners, clients, customers, and end users, whose use of the Accused Product constitutes direct infringement of at least one claim of the '780 Patent.

248. In particular, Aretech's actions that aid and abet others such as its partners, clients, customers and end users to infringe include advertising and distributing the Accused Product and providing instructional materials, training, and services regarding the Accused Product. *See, e.g.,* Exhibits L, M, and N. As demonstrated in Exhibit M, Aretech works with customers to design custom hanging systems in their facilities that incorporate the infringing technology of the Accused Product. Aretech also provides training in the Accused Product, including at least "a full day by a therapist with years of experience treating patients with ZeroG." Aretech also offers customers service contracts for the Accused Product (*see* Exhibit N) that includes a single preventative maintenance, biennial maintenance and inspection (including replacement of essential components and re-calibration of the system's sensors and actuators), and free software upgrades during the service term. Finally, Aretech insures the Accused Product with a two-year warranty from the date of installation, which includes on-site repairs to enable its customers to continue infringing the '780 Patent through use of the Accused Product.

249. Upon information and belief, Aretech is liable for contributory infringement of the '780 Patent under 35 U.S.C. § 271(c) for offering to sell and selling in the United States the Accused Product to be especially made or adapted for use to infringe the '780 Patent. The Accused

Product is a material component for use in practicing the ’780 Patent, is specifically made, and is not a staple article of commerce suitable for substantial non-infringing use.

250. As a consequence of each of Aretech’s direct and indirect infringement, both literal and under the doctrine of equivalents, of the ’780 Patent, Bioness has been, and continues to be, damaged in an amount not yet determined and is entitled to recover damages pursuant to 35 U.S.C. § 284.

251. Upon information and belief, Aretech’s infringement of the ’780 Patent will continue in the future, and Bioness will continue to suffer damages, as a consequence, unless Aretech’s infringing acts are enjoined by this Court.

COUNT IX – INFRINGEMENT OF U.S. PATENT NO. 11,253,416

252. Bioness realleges and incorporates by reference the allegations set forth in the foregoing paragraphs 1 through 251 of the Complaint as though fully set forth herein.

253. Upon information and belief, Aretech has infringed and continues to infringe directly and indirectly, literally and under the doctrine of equivalents, at least claim 1 of the ’416 Patent by making, using, selling, and/or offering for sale the Accused Product.

254. Claim 1 of the ’416 Patent claims a novel method with the following limitations:

> receiving, at a trolley, electrical current from a rigid power conductor, the trolley including a drive configured to movably couple the trolley to a stationary support track and a support configured to couple a user to the trolley via a tether, the rigid power conductor fixedly coupled to and offset from the stationary support track;
>
> receiving a signal associated with a first operating condition of at least one of the drive or the support;
>
> directing a portion of the electrical current to at least one of the drive or the support in response to movement of the user;

receiving a signal associated with a second operating condition of at least one of the drive or the support, the at least one of the drive or the support transitioning from the first operating condition to the second operating condition in response to the portion of the electrical current;

determining a change in a position associated with a portion of the tether based at least in part on a difference between the first operating condition and the second operating condition; and

identifying a gait characteristic of the user coupled to the trolley based at least in part on the change in the position associated with the portion of the tether.

255. The use of the Accused Product meets each of the above limitations. *See e.g.,* **Exhibit W**.

256. The Accused Product receives, at a trolley, electrical current from a rigid power conductor fixedly coupled to and offset from a stationary support track, the trolley including a drive configured to movably couple the trolley to the stationary support track and a support configured to couple a user to the trolley via a tether.

257. The Accused Product receives a signal associated with a first operating condition of at least one of the drive or the support.

258. The Accused Product directs a portion of the electrical current to at least one of the drive or the support in response to movement of the user.

259. The Accused Product receives a signal associated with a second operating condition of at least one of the drive or the support, the at least one of the drive or the support transitioning from the first operating condition to the second operating condition in response to the portion of the electrical current.

260. The Accused Product determines a change in a position associated with a portion of the tether based at least in part on a difference between the first operating condition and the second operating condition.

261. The Accused Product identifies a gait characteristic of the user coupled to the trolley based at least in part on the change in the position associated with the portion of the tether.

262. Upon information and belief, Aretech markets and sells the Accused Product in the United States to its partners, clients, customers, and end users who use the Accused Product across the country and in this District.

263. Upon information and belief Aretech has induced and continues to induce others to infringe at least one claim of the ’416 Patent under 35 U.S.C. § 271(b) by, among other things, actively aiding and abetting others to infringe with specific intent or willful blindness, such others including, but not limited to, Aretech’s partners, clients, customers, and end users, whose use of the Accused Product constitutes direct infringement of at least one claim of the ’416 Patent.

264. In particular, Aretech’s actions that aid and abet others such as its partners, clients, customers and end users to infringe include advertising and distributing the Accused Product and providing instructional materials, training, and services regarding the Accused Product. *See, e.g.,* Exhibits L, M, and N. As demonstrated in Exhibit M, Aretech works with customers to design custom hanging systems in their facilities that incorporate the infringing technology of the Accused Product. Aretech also provides training in the Accused Product, including at least “a full day by a therapist with years of experience treating patients with ZeroG.” Aretech also offers customers service contracts for the Accused Product (*see* Exhibit N) that includes a single preventative maintenance, biennial maintenance and inspection (including replacement of essential components and re-calibration of the system’s sensors and actuators), and free software upgrades during the service term. Finally, Aretech insures the Accused Product with a two-year warranty from the date of installation, which includes on-site repairs to enable its customers to continue infringing the ’416 Patent through use of the Accused Product.

265. Upon information and belief, Aretech is liable for contributory infringement of the ’416 Patent under 35 U.S.C. § 271(c) for offering to sell and selling in the United States the Accused Product to be especially made or adapted for use to infringe the ’416 Patent. The Accused Product is a material component for use in practicing the ’416 Patent, is specifically made, and is not a staple article of commerce suitable for substantial non-infringing use.

266. As a consequence of each of Aretech’s direct and indirect infringement, both literal and under the doctrine of equivalents, of the ’416 Patent, Bioness has been, and continues to be, damaged in an amount not yet determined and is entitled to recover damages pursuant to 35 U.S.C. § 284.

267. Upon information and belief, Aretech’s infringement of the ’416 Patent will continue in the future, and Bioness will continue to suffer damages, as a consequence, unless Aretech’s infringing acts are enjoined by this Court.

COUNT X – INFRINGEMENT OF U.S. PATENT NO. 11,324,651

268. Bioness realleges and incorporates by reference the allegations set forth in the foregoing paragraphs 1 through 267 of the Complaint as though fully set forth herein.

269. Upon information and belief, Aretech has infringed and continues to infringe directly and indirectly, literally and under the doctrine of equivalents, at least claim 1 of the ’651 Patent by making, using, selling, and/or offering for sale the Accused Product.

270. Claim 1 of the ’651 Patent claims a novel system with the following limitations:

> a stationary support track;
>
> a rigid power conductor fixedly coupled to and offset from the stationary support track; and
>
> a trolley having a drive assembly and a support assembly, the drive assembly having a plurality of wheels configured to movably suspend the trolley from the stationary support track,

> the support assembly including a drum, a motor configured to rotate the drum, and an adjustable tether having a first end portion coupled to the drum and a second end portion configured to be coupled to a support harness wearable by a person,
>
> the support assembly configured to receive electric power from the rigid power conductor in response to a force exerted by the person on the adjustable tether such that the motor rotates the drum to transition the support assembly from a first operating state to a second operating state, an amount of weight of the person supported by the support assembly in the first operating state being about equal to an amount of weight of the person supported by the support assembly in the second operating state.

271. The Accused Product meets each of the above limitations. *See e.g.,* **Exhibit X**.

272. The Accused Product includes a stationary support track.

273. The Accused Product includes a rigid power conductor fixedly coupled to and offset from the stationary support track.

274. The Accused Product includes a trolley having a drive assembly and a support assembly, the drive assembly having a plurality of wheels configured to movably suspend the trolley from the stationary support track.

275. The support assembly includes a drum, a motor configured to rotate the drum, and an adjustable tether having a first end portion coupled to the drum and a second end portion configured to be coupled to a support harness wearable by a person.

276. The support assembly is configured to receive electric power from the rigid power conductor in response to a force exerted by the person on the adjustable tether such that the motor rotates the drum to transition the support assembly from a first operating state to a second operating state.

277. Upon information and belief, Aretech markets and sells the Accused Product in the United States to its partners, clients, customers, and end users who use the Accused Product across

the country and in this District.

278. Upon information and belief Aretech has induced and continues to induce others to infringe at least one claim of the ’651 Patent under 35 U.S.C. § 271(b) by, among other things, actively aiding and abetting others to infringe with specific intent or willful blindness, such others including, but not limited to, Aretech’s partners, clients, customers, and end users, whose use of the Accused Product constitutes direct infringement of at least one claim of the ’651 Patent.

279. In particular, Aretech’s actions that aid and abet others such as its partners, clients, customers and end users to infringe include advertising and distributing the Accused Product and providing instructional materials, training, and services regarding the Accused Product. *See, e.g.,* Exhibits L, M, and N. As demonstrated in Exhibit M, Aretech works with customers to design custom hanging systems in their facilities that incorporate the infringing technology of the Accused Product. Aretech also provides training in the Accused Product, including at least “a full day by a therapist with years of experience treating patients with ZeroG.” Aretech also offers customers service contracts for the Accused Product (*see* Exhibit N) that includes a single preventative maintenance, biennial maintenance and inspection (including replacement of essential components and re-calibration of the system’s sensors and actuators), and free software upgrades during the service term. Finally, Aretech insures the Accused Product with a two-year warranty from the date of installation, which includes on-site repairs to enable its customers to continue infringing the ’651 Patent through use of the Accused Product.

280. Upon information and belief, Aretech is liable for contributory infringement of the ’651 Patent under 35 U.S.C. § 271(c) for offering to sell and selling in the United States the Accused Product to be especially made or adapted for use to infringe the ’651 Patent. The Accused Product is a material component for use in practicing the ’651 Patent, is specifically made, and is

not a staple article of commerce suitable for substantial non-infringing use.

281. As a consequence of each of Aretech's direct and indirect infringement, both literal and under the doctrine of equivalents, of the '651 Patent, Bioness has been, and continues to be, damaged in an amount not yet determined and is entitled to recover damages pursuant to 35 U.S.C. § 284.

282. Upon information and belief, Aretech's infringement of the '651 Patent will continue in the future, and Bioness will continue to suffer damages, as a consequence, unless Aretech's infringing acts are enjoined by this Court.

JURY DEMAND

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Aretech demands a trial by jury on all triable issues.

PRAYER FOR RELIEF

WHEREFORE, Bioness respectfully requests that the Court enter a judgment in its favor and against Aretech as follows:

A. An adjudication that Aretech has infringed the Asserted Patents;

B. A permanent injunction against Aretech, its officers, agents, servants, employees, attorneys, parent and subsidiary corporations, assigns and successors in interest, and those persons in active concert or participation with them, enjoining them from continued acts of infringement of the Asserted Patents;

C. An award of damages to be paid by Aretech adequate to compensate Bioness for Aretech's past infringement of the Asserted Patents, and any continuing or future infringement of the Asserted Patents through the date such judgment is entered, including pre-judgment and post-judgment interest, costs, expenses and an accounting of all infringing acts including, but not

limited to, those acts presented at trial as well as those acts not presented at trial;

D. An adjudication that Aretech's infringement has been willful and an award of treble damages;

E. A declaration that this case is exceptional under 35 U.S.C. § 285, and an award of Bioness's reasonable attorneys' fees; and

F. Award such other and further relief as the Court deems just and proper.

/s/ Erik B. Milch

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